THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 35322 of 1998

Dated 13th June 2007

Between:

Kothapalli Sreemahavishnu

... Petitioner

and

The Superintending Engineer (R&B),
National Highways Circle, Visakhapatnam & others

... Respondents

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O R D E R:

The petitioner states that he owns agricultural land in Baduguvanilanka village, Alamuru Mandal of East Godavari District, in the proximity of National Highway No.5, between K.M.174/4 and 174/6. According to him, between his land and the National Highway, government land in Sy.Nos.17/2A and 58/2A exists, covered by palmyrah trees. His grievance is that the Mandal Revenue Officer, Alamuru Mandal, the 4th respondent, had accorded permission to third parties, to occupy the land, and thereby blocked the access of the petitioner to National Highway. He challenges the action of the respondents.

A counter affidavit is filed by the 2nd respondent. He states that the Assistant Executive Engineer of National Highways Division,

Ravulapalem, conducted auction for leasehold rights of the palmyrah trees and green grass, at the place mentioned above, on 30.7.1998, and accepted the bid of one Sri K.Veeranna Naidu for a sum of Rs.700/-, for a period of one year. It is also stated that on finding that such a course is impermissible, the

2nd respondent addressed letter, dated 2.12.1998 to cancel the auction. In a way, he supported the claim of the petitioner.

Heard the learned counsel for the petitioner and learned Government Pleader for Roads and Buildings.

The grievance of the petitioner is that the road margin, between the National Highway and his land, is sought to be put in possession of third parties, by granting permits or licences. In all fairness, the 2nd respondent admitted in his counter affidavit that an auction for leasehold rights for the trees and grass over the road margin, was held by the Assistant Executive Engineer, and soon after the same was noticed, instructions were issued not to proceed with the same. The view point of the petitioner was accepted, and it was pointed out that such a course is impermissible. Further, this court granted interim order, staying the further proceedings, in pursuance of the said auction, which itself was for a period of one year. It is not known whether the road margin still subsists. In view of these developments, the grievance of the petitioner does not remain.

The writ petition is accordingly closed. There shall be no order as to costs.

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13th June 2007

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